

SUPPLEMENTAL REISSUE DECLARATION
FOR PATENT APPLICATION AND POWER OF ATTORNEY

We, Robert J. DICKINSON, a citizen of the United Kingdom, residing at 37 Broomwood Road, London SW11 6HU, ENGLAND, and Christopher P. RANDELL, a citizen of the United Kingdom residing at Gable End, Beech Way, Guildford, Surrey GU1 2TA, ENGLAND, believe we are the original, first, and joint inventors of the subject matter described and claimed in U.S. Patent No. 5,207,224 and in the foregoing specification (Reissue application Serial No. 08/427,070 filed on April 24, 1995) both entitled:

MAGNETIC RESONANCE APPARATUS

the specification of which is attached hereto.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims. We have also reviewed and understand the contents of any amendments to the claims made in Reissue Amendment A, filed herewith. We hereby state that any subject matter added to claims 14 and 16 in Reissue Amendment A was part of the original invention.

We further declare that we do not believe that the claimed invention was ever known or used in the United States before our invention thereof.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37 Code of Federal Regulations §1.56(a).

Statement of Inoperativeness or Invalidity

We declare that we believe the original patent is wholly or partially inoperative by reason of a defective specification, a defective drawing, and the fact that we claimed less than we had a right to claim in the original patent.

These errors were made without any deceptive intent.

The specification of the original patent is insufficient because although it refers to "rails or rollers" at column 3, line 38, it fails to provide reference characters for these items. These errors arose during the prosecution of the patent because at that time, we failed to realize the full significance of the rails or rollers.

The drawing of FIGURE 4 of the original patent is insufficient because it fails to illustrate the rails or rollers on which the lower horizontal rectangular planar table portion 31 is mounted. This error arose during the prosecution of the original patent when we failed to realize the significance of illustrating and claiming the described rails or rollers.

The original patent is also partially inoperative by reason of our claiming less than we had a right to claim. As stated above, the original patent describes rails or rollers at column 3, lines 34-47 which support a horizontal rectangular planar table, but fails to claim the invention of:

In an MRI system including an NMR polarizing magnet having opposed upper and lower horizontal poles defining a MRI image volume within a gap between the poles that is open about at least three sides, the improvement comprising:

a movable patient transport having spaced-apart structures supporting a horizontal patient bed and depending therefrom and defining an opening under the bed sized to pass said lower magnet pole therethrough while interjecting the patient bed into said gap so as to permit substantially adjacent patient access along a side of the patient while the patient is positioned within the MRI image volume.

Such a system is claimed in independent claim 14.

The original patent disclosed but failed to claim the invention of:

A MRI system as set forth above wherein said movable patient transport comprises:

means for moving the patient bed in at least two dimensions with respect to said spaced-apart structures.

Such a system is claimed in dependent claim 15.

The original patent disclosed but failed to claim the invention of:

A method for positioning a patient for MRI using an NMR polarizing magnet with a C-shaped cross-section, said method comprising:

placing said patient on a movable bed having an aperture in an undercarriage disposed below the bed;

moving said bed into juxta-position with an open gap of the C-shaped magnet; and

moving said bed into said open gap while moving said aperture therebelow over a lower pole face of the magnet thus leaving unobstructed adjacent access to the patient along an entire patient body side while the patient is disposed within said open gap.

Such a method is claimed in dependent claim 16.

The original patent disclosed but failed to claim the invention of:

A method as set forth above further comprising:

further adjusting the bed position within the gap along at least two dimensions with respect to said undercarriage after the bed has been located within the gap and the undercarriage has been positioned over the lower pole face.

Such a method is claimed in dependent claim 17.

The error of claiming less than we had a right to claim arose because we failed to recognize that claims of the above-described scope constituted a patentable

invention until we reviewed U.S. Patent No. 5,305,749 to Li, et al. ("the Li patent").

The error of failing to claim the inventions of claims 14, 15, 16, and 17 in the original patent was without deceptive intent.

These errors came to our attention after the issuance of the Li patent on April 26, 1994. In a review of the Official Gazette by the Corporate Counsel of the Assignee of the original Letters Patent, Picker International, Ltd. in late May or early June of 1994, the abstract of the Li patent was noted as being of potential interest. A copy of the Li patent was ordered from the United States Patent & Trademark Office along with other patents noted as being of potential interest. When the Li patent was reviewed in further detail, Corporate Patent Counsel recognized that it appeared to describe and claim an invention which was disclosed in the original Letters Patent, but which was not claimed in said original Letters Patent.

In November 1994, the Corporate Counsel for the Assignee forwarded the Li patent, the original Letters Patent, and other information to outside counsel for review. In February 1995, outside counsel reported their concurrence that the Li patent claimed an invention which was disclosed in our original Letters Patent but which was not claimed. Upon review of the Li patent contemporaneously with the signing of this Declaration, we concur that it claims, in claims 2, 5, 10, and 11, inventions which we disclosed in our original Letters Patent but which we failed to claim. Our failure to claim these inventions as broadly as we had a right to claim arose without any deceptive intent on the part of the applicants.

Reissue Amendment A, filed herewith, includes amendments to the originally filed reissue claims 14 and 16. These amendments were made to correct errors in reissue claims 14 and 16 as filed, which errors were made without any deceptive intent on the part of the applicants.

In claim 14, line 9, we changed "support" to "transport" for consistency with claim 15, lines 2-3 which calls for "said movable patient transport". The inconsistency between "support" and "transport" rendered claim 14 indefinite under 35 U.S.C. §112, second paragraph. The error was inadvertent and arose without any deceptive intent on the part of the applicants.

In claim 16, lines 17-18, we changed "said gap" to "said open gap" for consistency with lines 10-11 of the claim. This amendment was submitted to clarify the claim and avoid any indefiniteness under 35 U.S.C. §112, second paragraph. We inadvertently overlooked the inconsistency and failed to claim "said open gap" when the reissue application was filed. The error was made without any deceptive intent on the part of the applicants.

Also, in claim 16, line 9, after "the bed", we added the paragraph "moving said bed into juxtaposition with an open gap of the C-shaped magnet". The new paragraph added in the amendment finds support at column 3, lines 48-53 of the specification. The error of not including this paragraph in the original reissue application occurred because we failed to realize the paragraph was necessary for patentability. The new paragraph also overcomes any indefiniteness under 35 U.S.C. §112, second paragraph in lines 10-11 of the claim, which call for "said open gap", and lines 17-18 of the claim, which have been amended to call for "said open gap". The error was made without any deceptive intent on the part of the applicants.

The applicants hereby claim the benefit under 35 U.S.C. §120 of parent U.S. Application Serial No. 441,637 filed November 27, 1989, now abandoned.

The applicants hereby claim the benefit under 35 U.S.C. §119 of U.K. Application No. 8828810 filed December 9, 1988.

We acknowledge a duty to disclose to the Patent Office all information known to the applicants to be material to patentability as defined in 37 CFR 1.56.

We hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to

transact all business in the Patent and Trademark Office connected therewith:

Thomas E. Kocovsky, Jr., Reg. No. 28,383
Christopher B. Fagan, Reg. No. 22,987
Timothy B. Gurin, Reg. No. 31,617

Address all telephone calls to: Thomas E. Kocovsky, Jr.
at telephone number: (216) 861-5582

Address all correspondence to: Thomas E. Kocovsky, Jr.
at:

FAY, SHARPE, BEALL,
FAGAN, MINNICH & McKEE
1100 Superior Avenue, Suite 700
Cleveland, Ohio 44114

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Full name of first joint inventor: Robert J. DICKINSON

Inventor's signature R. J. Dickinson

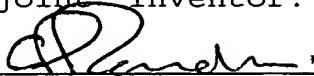
Date: 15 October 1996

Residence: 37 Broomwood Road,
London, SW11 6HU, ENGLAND

Citizenship: U.K.

Post Office Address: 37 Broomwood Road
London, SW11 6HU ENGLAND

Full name of second joint inventor: Christopher P.
RANDELL

Inventor's signature 

Date: 14.10.96

Residence: Gable End, Beech Way,
Guildford, Surrey GU1 2TA, ENGLAND

Citizenship: U.K.

Post Office Address: Gable End, Beech Way,
Guildford, Surrey GU1 2TA ENGLAND